

25-6559

No. \_\_\_\_\_

**IN THE  
SUPREME COURT OF THE UNITED STATES**

CHARLES KAFEITI — PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

**ON PETITION FOR A WRIT OF CERTIORARI TO**

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

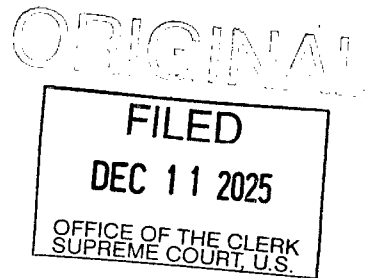
**PETITION FOR WRIT OF CERTIORARI**

Charles Kafeiti

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(Phone Number)



## QUESTION(S) PRESENTED

1. Whether a district court's 13-month, unexplained silence on liberty-related motions—followed by unsigned docket-entry denials that never addressed a single substantive claim—constitutes court-induced prejudice and an “extraordinary circumstance” warranting equitable tolling of § 2255(f) under *Holland v. Florida*, 560 U.S. 631 (2010).
2. Whether the Second Circuit's refusal to issue a COA—despite the total absence of any reasoned ruling on timeliness or the merits—violates the “reasonable jurist could debate” standard of *Slack v. McDaniel*, 529 U.S. 473, 478 (2000).
3. Whether issuing the mandate on the very day Petitioner received the order, thereby denying him the full 14-day period guaranteed by FRAP 35 and 40, violated due process.
4. Whether federal courts' systemic failure to abide by procedural rules in pro se habeas cases—such as unexplained delays, unsigned denials, and premature mandates—violates the Constitution's due process guarantees and the Suspension Clause, affecting tens of thousands of litigants nationwide.

## **LIST OF PARTIES**

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:
- [No additional parties listed beyond the caption; all parties are deemed respondents per Rule 12.6.]

## **RELATED CASES**

- Kafeiti v. United States, U.S. District Court for the Eastern District of New York. Judgment entered [July 25<sup>th</sup>, 2025 § 2255 Denial].
- Kafeiti v. United States, Docket No. 25-1071, U.S. Court of Appeals for the Second Circuit. Judgment entered October 20, 2025 (Mandate October 29, 2025).

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	9

### INDEX TO APPENDICES

APPENDIX A Decision of the United States Court of Appeals for the Second Circuit (Order Denying COA, August 28<sup>th</sup>, 2025)

APPENDIX B Decision of the United States District Court (Denial of § 2255 Relief, July 25<sup>th</sup> 2025)

APPENDIX C Exhibit A (Evidence of 13-Month Silence on Motions)

APPENDIX D Decision of the United States Court of Appeals for the Second Circuit (Mandate Denying Reconsideration, October 20<sup>th</sup>, 2025)

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Holland v. Florida, 560 U.S. 631 (2010)	1, 5
Slack v. McDaniel, 529 U.S. 473 (2000)	1, 6
Socha v. Boughton, 763 F.3d 674 (7th Cir. 2014)	5
United States v. Hargis, 908 F.3d 1192 (2d Cir. 2018)	5
Goldberg v. Kelly, 397 U.S. 254 (1970)	7
Mathews v. Eldridge, 424 U.S. 319 (1976)	7
Haines v. Kerner, 404 U.S. 519 (1972)	7

## STATUTES AND RULES | PAGE NUMBER

28 U.S.C. § 2255	1, 5, 6
28 U.S.C. § 2255(f)	1, 5
28 U.S.C. § 1651	5
FRAP 35 and 40	1, 7
Federal Rule of Criminal Procedure 6(a)(1)	5
28 U.S.C. § 1254(1)	2

## OTHER

[None]

**IN THE**  
**SUPREME COURT OF THE UNITED STATES**  
**PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☒ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from state courts: [Not applicable]

1.

**JURISDICTION**

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was October 20, 2025.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

☐ For cases from state courts: [Not applicable]

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

U.S. Const. art. I, § 9, cl. 2 (Suspension Clause)

U.S. Const. amend. V (Due Process Clause)

28 U.S.C. § 2255 (Federal Prisoner Collateral Relief)

28 U.S.C. § 2255(f) (Statute of Limitations and Equitable Tolling Provisions)

28 U.S.C. § 1651 (Writ of Coram Nobis)

Fed. R. Crim. P. 6(a)(1) (Grand Jury Provisions)

FRAP 35 (Petitions for Hearing or Rehearing En Banc)

FRAP 40 (Petitions for Panel Rehearing)



## **STATEMENT OF THE CASE**

Charles Kafeiti, pro se and indigent, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit (order entered October 20, 2025; mandate issued October 29, 2025) denying a Certificate of Appealability and dismissing his appeal from the denial of relief under 28 U.S.C. § 2255.

The district court's 13-month silence on two critical motions while Petitioner was incarcerated, its post-release unsigned denials, the Second Circuit's refusal to find the timeliness issue debatable, and the premature mandate together present recurring questions of exceptional importance affecting thousands of pro se federal prisoners.

[Additional details: The district court denied the § 2255 motion as untimely without reasoning. Motions filed: Grand Jury Challenge (Jan 12, 2024, denied after Oct 23, 2024); Coram Nobis (Jun 5, 2024, denied after Oct 23, 2024). § 2255 filed in 2025.]

## REASONS FOR GRANTING THE PETITION

### SUMMARY OF ARGUMENT

The district court's 13-month silence on two critical motions while Petitioner was incarcerated, its post-release unsigned denials, the Second Circuit's refusal to find the timeliness issue debatable, and the premature mandate together present recurring questions of exceptional importance affecting thousands of pro se federal prisoners.

#### I. The District Court's 13-Month Silence Constitutes Court-Induced Prejudice Warranting Equitable Tolling

The district court's 13-month silence (see Exhibit A) is precisely the "court-created obstacle" contemplated in *Holland v. Florida*, 560 U.S. 631, 649 (2010). The Seventh Circuit holds that such delay "constitutes an extraordinary circumstance that triggers equitable tolling." *Socha v. Boughton*, 763 F.3d 674, 679 (7th Cir. 2014). The Second Circuit treats even extreme judicial delay as irrelevant. *United States v. Hargis*, 908 F.3d 1192, 1199 (2d Cir. 2018). This circuit conflict demands resolution.

Motion Filed	Date Filed	Ruling Date (Unsigned)	Delay
Grand Jury Challenge (Rule 6(a)(1))	Jan 12, 2024	February 13 <sup>th</sup> , 2025	>13 months
Coram Nobis (§ 1651)	Jun 5, 2024	February 13 <sup>th</sup> , 2025	>9 months

Congress gave petitioners one year (12 months) after a final judgment to file a § 2255 motion under § 2255(f)(1). A 13-month, court-created hiatus defeats that statutory purpose and constitutes the very impediment § 2255(f)(2) was designed to excuse.

#### II. No Reasonable Jurist Could Find the Timeliness Ruling Non-Debatable

*Slack v. McDaniel* requires a COA whenever reasonable jurists could debate the ruling. 529 U.S. at 478. The district court provided no reasoning, no signature, no merits analysis—only unsigned "Denied" entries.

Docket Entry	Date	Text	Signed?	Analysis?
Grand Jury Challenge	After Oct 23, 2024	"Denied"	No	None
Coram Nobis	After Oct 23, 2024	"Denied"	No	None
§ 2255 Motion	2025	"Untimely"	No	None

### III. The Premature Mandate Violated Due Process

The Second Circuit issued its mandate on October 29, 2025—the same day Petitioner received the October 20 order—denying him the full 14-day period guaranteed by FRAP 35 and 40. This extinguished his statutory right to seek rehearing and violates due process. *Goldberg v. Kelly*, 397 U.S. 254, 260–61 (1970); *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Haines v. Kerner*, 404 U.S. 519 (1972).

### IV. This Case Exemplifies a National Crisis in Federal Habeas Review for Pro Se Litigants

Each year, more than 60,000 federal prisoners file pro se § 2255 motions or related collateral attacks, the overwhelming majority without counsel. A growing number of district courts respond with exactly the same pattern seen here: extraordinary delay, unsigned docket-text denials, and no merits review—then circuit courts refuse COAs and issue premature mandates, permanently insulating prosecutorial and judicial error from any scrutiny. When the judiciary itself refuses to follow the Constitution, the Federal Rules, and this Court’s mandate that pro se filings be liberally construed, the Great Writ is reduced to a dead letter for an entire class of citizens. That recurring, nationwide abrogation of due process and the Suspension Clause presents a question of exceptional importance warranting this Court’s review.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles Kafeiti

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a small flourish.

Date: December 10<sup>th</sup>, 2025